REMARKS

Claims 1, 3 and 4 have been rejected as obvious over the combination of DE 2251124 in view of Grupp et al, U.S. 2002/0100648. The Examiner asserts that DE '124 discloses the use of two brake blocks and that Grupp et al '648 teaches brake blocks comprising up to 99% of an "alloy of aluminum and bronze". Applicants request reconsideration and withdrawal of the rejection upon the following.

Grupp et al '648 fails to provide a sufficient, precise disclosure to permit the Examiner to draw the conclusions and interpretations made. In particular, Grupp et al '648 at paragraphs 0018-19 recite that its friction material for a magnetic track brake can be in the form of a sintered material having 80% to 99% of either a magnetically conductive material or a non-conductive material. It specifically continues to state that, if the sintered material comprises a magnetically non-conductive material, then the same "possesses preferably several or combinations of the following substances: 'tin, copper, zinc, nickel, aluminum or alloys of these substances, by way of example, bronze, brass, nickel silver.'" (Emphasis added.) There is no specific recitation of "aluminum bronze" which is known in the art as a specific alloy of copper with specific characteristics, See, e.g., the attached definition; it is not "aluminum and bronze." Grupp et al '648 does not specifically identify or name aluminum bronze but talks in only general terms of a variety of magnetically non-conductive metals and alloys thereof. Further, it proposes that the composition be formed of "several or combinations of" such materials. It neither discloses nor

suggests a brake block" being of aluminum bronze" as recited and claimed in the present application. The present claim language does not encompass aluminum bronze in combination with other materials.

In addition, Grupp et al '684 contemplates the use of a wear inhibitor and a protective layer on the brake element, the wear inhibitor being a metal oxide, carbide or nitride (paragraph 0009) and the protective layer being iron, graphite, iron sulfide, manganese sulfide, lead, or molybedenum sulfite (paragraph 0011). The requirement for such coatings further teach away from the formation of a friction element of aluminum bronze alone.

The thrust of Grupp et al '648 is that, for use as a magnetic track brake, a complex friction brake construction including a friction element formed of a combination of metals and alloys, preferably with further surface coatings to improve their operational effects, are appropriate. Its disclosure offers no suggestion to one in the art that a brake shoe can be formed solely of aluminum bronze as claimed. It is only with the hindsight provided by the present disclosure that one would make the jump from the general multi-metal surface treatment formulations set forth in the reference to the use of an aluminum bronze brake shoe in the context of a cable brake

employing two brake blocks of different materials. Withdrawal of the rejection and passage to allowance is solicited.

Respectfully submitted,

SCHWEITZER CORNMAN GROSS & BONDELL LLP
Customer No. 022831
Attorneys For Applicant
292 Madison Avenue – 19th Floor
New York, NY 10017
Telephone (646) 424-0770
Facsimile (646) 424-0880

BY _____
JAY A. BONDELL, ESQ., REG. #28,188

JAB/cw
ENCL.

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2006.

Carol L. Wood _____

Web

Definitions of **aluminum bronze** on the Web:

- an alloy of copper and aluminum with high tensile strength and resistance to corrosion
  wordnet.princeton.edu/perl/webwn

define:aluminum bronze Search